

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

(01) DAVID MAIS
aka "JAMAICA DAVE"
(02) TABON CLINDER HOWZE
aka "TA"
(03) DAVID GARLAND SMITH

DOCKET NO. 3:96CR42

BILL OF INDICTMENT

Vio: Title 21, U.S.C., §§
963, 952, 853, 846,
841(a)(1);

Title 18, U.S.C. §§
545 and 2.

THE GRAND JURY CHARGES:

COUNT ONE

From in or about the spring of 1994 and continuing to the present, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
TABON CLINDER HOWZE
aka "TA"
AND
DAVID GARLAND SMITH

did knowingly, willfully and unlawfully combine, conspire, confederate and agree with one another and others, both known and unknown to the Grand Jury, including Leaford Owen Barnett, Deborah Peoples, Darcy Jerome Peoples, Horace Turner, Jimeattee Nichols, Patrick Beckford, and Mike LNU aka "Pinkie", to possess with intent to distribute and to distribute, a quantity of cocaine and cocaine base, Schedule II narcotic controlled substances, a violation of Title 21, United States Code, Section 841(a)(1), and during the course and in furtherance of the conspiracy, a member of the conspiracy did commit or cause to be committed, within the Western District of North Carolina, at least one overt act in furtherance of the conspiracy, a violation of Title 21, United States Code, Section 846.

EXHIBIT 1

COUNT TWO

From in or about the spring of 1994 and continuing to the present, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
TABON CLINDER HOWZE
aka "TA"
AND
DAVID GARLAND SMITH

did knowingly, willfully and unlawfully combine, conspire, confederate and agree with one another and others, both known and unknown to the Grand Jury, including Leaford Owen Barnett, Deborah Peoples, Darcy Jerome Peoples, Horace Turner, Jimeattee Nichols, Patrick Beckford, and Mike LNU, aka "Pink", to import into the customs territory of the United States from a place outside thereof, a quantity of cocaine and cocaine base, Schedule II narcotic controlled substances, a violation of Title 21, United States Code, Section 952, and during the course and in furtherance of the conspiracy, a member of the conspiracy did commit or cause to be committed, within the Western District of North Carolina, at least one overt act in furtherance of the conspiracy, a violation of Title 21, United States Code, Section 963.

COUNT THREE

On or about September 1, 1995, in Mecklenburg County, within the Western District of North Carolina and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
AND
TABON CLINDER HOWZE
aka "TA"

did knowingly, willfully and unlawfully possess with intent to distribute, and did aid and abet one another and others, including Darcy Jerome Peoples, in the possession with intent to distribute cocaine and cocaine base, Schedule II narcotic controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR

On or about September 1, 1995, in Mecklenburg County, within the Western District of North Carolina and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
AND
TABON CLINDER HOWZE
aka "TA"

did knowingly, willfully and unlawfully possess with intent to distribute, and did aid and abet one another and others, including Deborah Peoples, in the possession with intent to distribute cocaine and cocaine base, Schedule II narcotic controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FIVE

On or about July 15, 1995, in Mecklenburg County, within the Western District of North Carolina and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
AND
TABON CLINDER HOWZE
aka "TA"

did knowingly, willfully and unlawfully possess with intent to distribute, and did aid and abet one another and others, including Leaford Owen Barnett, in the possession with intent to distribute cocaine and cocaine base, Schedule II narcotic controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

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COUNT SIX

On or about August 17, 1995, in Mecklenburg County, within the Western District of North Carolina and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
AND
TABON CLINDER HOWZE
aka "TA"

did knowingly, willfully and unlawfully possess with intent to distribute, and did aid and abet one another and others, including Jimeatte Nichols, in the possession with intent to distribute cocaine and cocaine base, Schedule II narcotic controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SEVEN

On or about September 1, 1995, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
AND
TABON CLINDER HOWZE
aka "TA"

did fraudulently and knowingly import and bring into the United States and did aid and abet others, including Darcy Jerome Peoples, in the importation of merchandise to wit: cocaine and cocaine base, contrary to law, in violation of Title 21, United States Code, Section 952 and Title 18, United States Code, Section 545 and 2.

COUNT EIGHT

On or about September 1, 1995, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
AND
TABON CLINDER HOWZE
aka "TA"

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did fraudulently and knowingly import and bring into the United States and did aid and abet others, including Deborah Peoples, in the importation of merchandise to wit: cocaine and cocaine base, contrary to law, in violation of Title 21, United States Code, Section 952 and Title 18, United States Code, Section 545 and 2.

COUNT NINE

On or about July 15, 1995, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
AND
TABON CLINDER HOWZE
aka "TA"

did fraudulently and knowingly import and bring into the United States and did aid and abet others, including Leaford Owen Barnett, in the importation of merchandise to wit: cocaine and cocaine base, contrary to law, in violation of Title 21, United States Code, Section 952 and Title 18, United States Code, Section 545 and 2.

COUNT TEN

On or about August 17, 1995, in Mecklenburg County, within the Western District of North Carolina, and elsewhere,

DAVID MAIS
aka "JAMAICA DAVE"
AND
TABON CLINDER HOWZE
aka "TA"

did fraudulently and knowingly import and bring into the United States and did aid and abet others, including Jimeatte Nichols, in the importation of merchandise to wit: cocaine and cocaine base, contrary to law, in violation of Title 21, United States Code, Section 952 and Title 18, United States Code, Section 545 and 2.

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COUNT ELEVEN - FORFEITURE

As a result of the foregoing offenses, and pursuant to Title 21, United States Code, Section 853(a), DAVID MAIS, aka "JAMAICA DAVE", TABON CLINDER HOWZE, aka "TA" and DAVID GARLAND SMITH, the defendants, shall forfeit to the United States any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in the foregoing offenses of this indictment, including but not limited to the following: Assets of TNT Music, Pittsburgh, Pennsylvania.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A TRUE BILL:

FOREMAN

MARK T. CALLOWAY
United States Attorney

FRANK D. WHITNEY
Assistant United States Attorney